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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

|

[REDACTED]  
[REDACTED]

FOO/170743

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 10, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on January 14, 2016, at Milwaukee, Wisconsin.

The issues for determination are whether Petitioner's FoodShare benefits were correctly discontinued for lack of a review and, upon reopening with expedited prorated benefits, the benefits were then correctly discontinued for lack of verification.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

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Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner's FoodShare and BadgerCare+ eligibility were subject to review by the end of October 2015. Petitioner was so informed by a notice dated September 14, 2015. That notice was sent to Petitioner at the above address.

3. Petitioner did not complete the review and was informed by an October 19, 2015 Notice of Decision that his case would be discontinued at the end of October without the review. That notice was sent Petitioner at the above address.
4. Petitioner completed the review on November 12, 2015. Expedited FoodShare were issued and prorated for the month of November.
5. A request for verification of income was issued to Petitioner on November 12, 2015. That was sent to Petitioner at the above address. It included an Employer Verification of Earnings form that Petitioner apparently gave to the employer. The verification was not received and Petitioner was notified that his FoodShare case would close effective December 31, 2015. The notice of discontinuance is dated December 7, 2015.

### **DISCUSSION**

FoodShare recipients must complete an interview and verify current household information in the last month of the certification period in order to be recertified and to continue to receive FoodShare benefits. *FoodShare Wisconsin Handbook (FSH)*, §§2.2.1 and 2.2.1.3; 7 CFR §273.14. Failure to complete a review results in the closing of the case. If the review is not completed until after the case is closed because of household error or inaction, the FoodShare are not issued in full. Instead, the case is treated as a new application, and benefits are to be prorated as of the date of the review. 7 CFR §273.14(e)(3); *FSH*, §2.2.1.4. In short, FoodShare eligibility cannot continue without review.

Income must be verified at recertification. *FSH*, §1.2.4.1. Even if expedited FoodShare are issued verification must be submitted. *FSH*, §2.1.4.2. This means that the agency had to see verification of Petitioner's job and income. A request for verification must be made in writing. *Id.*, §1.2.1.2. It is the FoodShare recipient's responsibility to provide verification but the agency must help if requested. If a third-party verification source is not cooperative, the best source of information available to be used. *Id.*, §1.2.1.3.

Here Petitioner contends that he submitted information about his household composition and employment well before the review so no review should have been required. Further, he testified that the employer he reported on the November 2015 review was a temp service and they had no employment for him.

I am sustaining the agency actions as to Petitioner's FoodShare case. All notices here were sent to the correct address.

Reporting changes to a household is not the same thing as a case review. In fact, a review period cannot be shortened without a new application for BadgerCare+ or child care and a specific request from a benefit recipient that the time period be shortened. *See FSH*, §2.2.1.2.

As for the lack of verification, Petitioner was sent a notice dated December 7, 2015 that informed him that the agency had not received the requested verification. There is no record that Petitioner made any contact with the agency to indicate difficulty with the employer or other efforts to resolve the verification issue with the agency.

### **CONCLUSIONS OF LAW**

1. That Petitioner's FoodShare benefits were correctly discontinued for failing to complete a required review.
2. That the agency correctly discontinued Petitioner's FoodShare benefits for lack of verification of income.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed.

**REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 8th day of February, 2016

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\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on February 8, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability